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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

POINVIL, FRANTZY

ART UNIT PAPER NUMBER

3628

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/518,837

Applicant(s)

TUTTLE, FRANK D.

Examiner

Frantzy Poinvil

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[Handwritten signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Regarding the status of the claims in the instant application

In view of the Appeal Brief filed on 8/2/2004, PROSECUTION IS HEREBY REOPENED.

The Examiner has found new prior art. The Examiner is obliged to apply the newly found prior art. Thus, the finality of the prior Office action has been withdrawn and a new rejection follows. The Examiner regrets the delayed process of the application. Accordingly, claims 1-42 remain pending in the application.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20, 22-33, 39 and 41-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Acosta et al. (US Pat No. 6,643,625).

Acosta et al disclose all the features of claim 1, particularly a method and system for auditing loan compliance with government loan lending and licensing requirements comprising:

a. allowing a user to display and enter loan audit compliance data, comprising the steps of:

receiving and displaying loan audit data on a user interface of a computer system; and ii. storing the loan audit data in a loan data database in the computer system (see column 2, lines 13-17);

b. allowing a user to interactively build loan compliance rules, comprising the steps of enabling the user to interactively build loan compliance rules on a user interface of the computer system (column 2, line lines 13-,27) and

ii. storing the loan compliance rules in a loan compliance rules database in the computer system (column 2, lines 13-27 and column 5, lines 30-37) and

c. responding to a loan audit request received from a user on a user interface of the computer comprising the steps of:

retrieving the loan compliance rules from the loan compliance rules database;

ii. retrieving the loan audit data from the loan data database;

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- iii. comparing the loan compliance rules to the loan audit data to determine a loan audit compliance result (column 2, lines 23-43; column 5, lines 52-59 and column 4, line 67 to column 8, line 7); and
- iv. notifying the loan audit request user of the determined loan audit compliance result (column 2, lines 48-56 and column 8, lines 51-67).

Claims 2, 23, 24 and 25 contain limitations recited in claim 1 and these limitations are rejected under a similar rationale. Claims 2, 23, 24 and 25 further recites using applicable licenses for a geographic boundary, building loan compliance rules for all applicable licenses available within the geographic boundary and associating licenses from the applicable licenses with a loan originator to form a set of loan originator applicable licenses.

As per these limitations, Acosta et al disclose auditing all types of desired loans and in any desired states (see column 4, lines 7-20) and that rules are customized as desired. See also column 4, lines 50-66).

As per claim 3, Acosta et al teach building rules for all applicable licenses available within the geographic boundary using compliance based rule variables and rule building instructions and storing the loan compliance rules in a rule library database in the computer system. Note column 4, lines 11-66.

As per claim 4, Acosta et al disclose allowing the user to add new license to the applicable licenses available and allowing a user to build new rules for the new license. Note column 4, lines 11-66 and column 9, lines 50-67.

As per claim 5, Acosta et al disclose storing the loan compliance in a rule library database in the computer system. Note figure 1 and column 5, lines 8-50.

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As per claim 6, Acosta et al disclose if a rule exists in the rule database, for a license, allowing the user to review the rule. Note column 5, lines 8-50.

As per claim 7, Acosta et al disclose if a rule exists in the rule database, for a license, allowing the user to change the rule. See column 5, lines 30-50.

As per claim 8, Acosta et al disclose allowing the user to modify the loan compliance rules in the rule library database. See column 5, lines 30-50, and column 4, lines 50-60.

As per claim 9, Acosta et al disclose the compliance base rule variables represent data elements in a loan file data base. See column 3, lines 37-50.

As per claim 10, Acosta et al disclose checking for payments, billing data, errors and other related mathematical calculations. Note column 5, line 65 to column 6, line 67.

As per claim 11, Acosta et al. disclose rule building instructions for allowing the user to build rules by specifying equations using base rule variables. Note column 5, line 65 to column 8, line 50.

As per claim 12, Acosta et al. disclose associating the loan compliance rules with a license to form a set of assigned compliance rules. Note column 4, lines 11-60.

As per claim 13, Acosta et al. disclose the geographic boundary is a state. See column 4, lines 11-20.

As per claim 14, Acosta disclose the user displays and enters loan data using a user interface embodied in a computer processor that communicates with the rule library database via a communications network. See column 9, lines 37-60.

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As per claim 15, Acosta disclose the communications network is a global communications network. See column 9, lines 37-60.

As per claim 16, Acosta et al. disclose allowing a user to identify and store applicable exemptions to the government license requirements in the assigned compliance rules. See column 8, lines 50-60 and column 4, lines 11-20.

As per claims 17-20, Acosta et al disclose the government loan originator requirements are federal/state/licensing loan requirements. Note column 3, line 55 to column 4, line 50.

As per claim 26, in the system of Acosta et al, results are displayed to the user via a user interface.

As per claims 27-29 see column 9, lines 37-45.

As per claim 30, see column 8, line 50 to column 9, line 5.

As per claim 31, the loan compliance rules are built by the user using the user interface.

As per claim 32, see column 3, line 55 to column 5, line 50.

As per claim 33, see column 3, line 55 to column 5, line 50.

As per claim 40, the system of Acosta et al includes a printer for generating a hard copy of the loan audit results.

As per claim 41, Acosta et al disclose the loan compliance rules comprise instructions, assigned compliance rules, government rules and data application rules. Note columns 4-6 of Acosta et al.

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As per claim 42, Acosta et al teaches accessing the system via the Internet thus, inherently teach a web browser for transmitting and receiving loan data and loan audit results. See column 8, lines 37-45.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 34-38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al. (US Patent No. 6,643,625).

As per claims 21 and 34-38, Acosta et al disclose a global communications network but do not specifically state the communications network is selected from the group consisting of a satellite communication network, a telephone communication network, a microwave transmission network and a wireless telephone communication network. As per these types of communication systems, the Examiner asserts that these are well known and used communication systems at the time of the invention. Incorporating these types of communication systems in the system of Acosta et al would have been obvious to one of ordinary skill in the art at the time of the invention in order to provide a user with desired alternate means of accessing the system.

As per claim 40, Acosta et al. does not explicitly disclose storing the loan audit results on media selected from the group consisting of a hardcopy report, a tape, a film

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and a CD-ROM. These types of media are well known and used in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate these types of media in the system of Acosta et al in order to provide users with alternate means of storing loan audit results.


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP
October 30, 2004


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628